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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11 RIVERSIDE DIVISION
12

13 **JONATHAN WAYNE BOTTEN,**
14 **SR., et al.,**

15 Plaintiffs,

16 v.

17 **STATE OF CALIFORNIA, et al.,**

18 Defendants.
19

No. 5:23-cv-257 KK (SHKx)

**NOTICE OF ERRATA AND
REQUEST TO CORRECT
DOCKET NO. 86-1 STATE
DEFENDANTS' STATEMENT OF
UNCONTROVERTED FACTS IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

Date: March 20, 2025
Time: 9:30 a.m.
Courtroom: 3
Judge: Hon. Kenly Kiya Kato
Trial Date: July 28, 2025
Action Filed: February 16, 2023
FAC Filed: June 8, 2023

23
24 Defendants Blackwood, Kee, and Rubalcava (State Defendants) submit this
25 errata and request to correct the following errors in their Statement of
26 Uncontroverted Facts (ECF No. 86-1):

27 **Fact 15** should read as follows: "Kee attempted to break the driver side
28 windows with five rounds of bean bags, but was *unsuccessful*." The undersigned

1 inadvertently typed “successful.” The cited evidence shows that Defendant Kee was
2 not able to break the driver side windows with the bean bags.

3 **Fact 19** should read as follows: “When Puga moved to the front of the
4 Expedition, Kee and Rubalcava moved to the southwest corner of the
5 intersection...” The undersigned inadvertently type “southeast,” but the cited
6 evidence shows that it was the southwest corner.

7 **Fact 32** should read as follows: “Rubalcava did not give Puga a verbal
8 warning that lethal force would be used because there *was no* opportunity to do so.”
9 The undersigned inadvertently typed “not.”

10 The undersigned informed counsel for the Plaintiffs and County Defendants of
11 her intent to file this erratum and seek these corrections. Neither had any objection
12 to this request. The undersigned apologizes to the Court and parties for these
13 mistakes and any inconvenience they may have caused.

14
15 Dated: February 25, 2025

Respectfully submitted,

16 ROB BONTA
17 Attorney General of California
18 NORMAN D. MORRISON
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19 */s/ Diana Esquivel*

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